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REMARKS

Status of the Claims

Claims 1-18, 20, 22-30, 32-41, and 45-48 are pending in the present application, Claims 19 and 31 having been cancelled in the present amendment. Claims 1, 2, 6, 20, and 35 have been amended in the present amendment to reduce the issues for appeal.

Entry of the Present Amendment

37 C.F.R. § 1.116 and 37 C.F.R. § 41.33(a) indicate that after the filing of a Notice of Appeal, and prior to the filing of an Appeal Brief, after final amendments which cancel claims and present claims in better form for consideration on appeal may be entered. The present amendment simply reduces issues for appeal, by correcting drawings as required by the Examiner, canceling claims, and placing rejected claims in better condition for appeal. Accordingly, entry of the present amendment in accord with U.S. P.T.O. practice and procedures.

Drawing Objections

FIGURES 5 and 6 have been amended to add the PRIOR ART legend required by the Examiner. The objection to the drawings should therefore be withdrawn.

Claim Objections

The Examiner has objected to Claims 2 and 20 because the term "unencrypted softgood" lacks antecedent basis. Claims 2 and 20 have been amended to delete the term "unencrypted." The objection to Claims 2 and 20 should therefore be withdrawn.

The Examiner has objected to Claims 19 and 31 under 37 C.F.R. 1.75(c) as being improper dependent claims. Claims 19 and 31 have been cancelled in the present amendment. The objection to Claims 19 and 31 should therefore be withdrawn.

Claims Rejected under 35 C.F.R. § 112

The Examiner has rejected Claims 2, 20, 35, and 48 under 35 C.F.R. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner specifically asserts that the description as filed does not describe an "unencrypted" softgood. The term "unencrypted" has been deleted from Claims 2, 20, and 35. Accordingly, the rejection of Claims 2, 20, and 35 under 35 C.F.R. § 112, first paragraph, should be withdrawn.

Claim 48 remains pending, and will be examined on appeal.

The Examiner has rejected Claims 1 and 6 under 35 C.F.R. § 112, second paragraph, as being indefinite. The Examiner asserts that the term "specific" is unclear, and goes on to note that the Examiner has interpreted the term specific to mean "proprietary." Applicants have amended Claims 1 and 6 to replace the term specific player program with the term proprietary player program, in accord with the Examiner's interpretation of the term. Accordingly, the rejection of Claims 1 and 6 under 35 C.F.R. § 112, second paragraph, should be withdrawn.

Respectfully submitted,

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MCK/RMA:lrg

FAX CERTIFICATE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number 703 872-9306, on September 28, 2004

Date: September 28, 2004

[Signature]

Enclosures
Replacement Drawing

Serial No: 09/336,611

Applicants: C. Phillip Reay et al.

Attorney Docket No: ONAD0002

Title:

REPLACEMENT DRAWING

GENERATING REVENUE FOR THE USE OF SOFTGOODS
THAT ARE FREELY DISTRIBUTED OVER A NETWORK

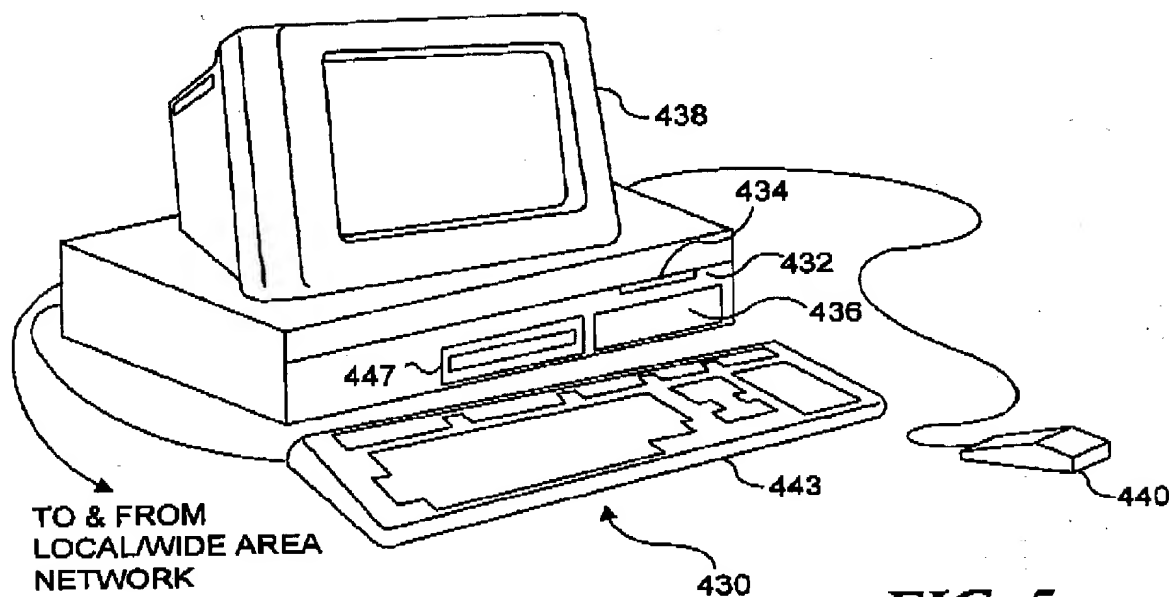


FIG. 5
PRIOR ART

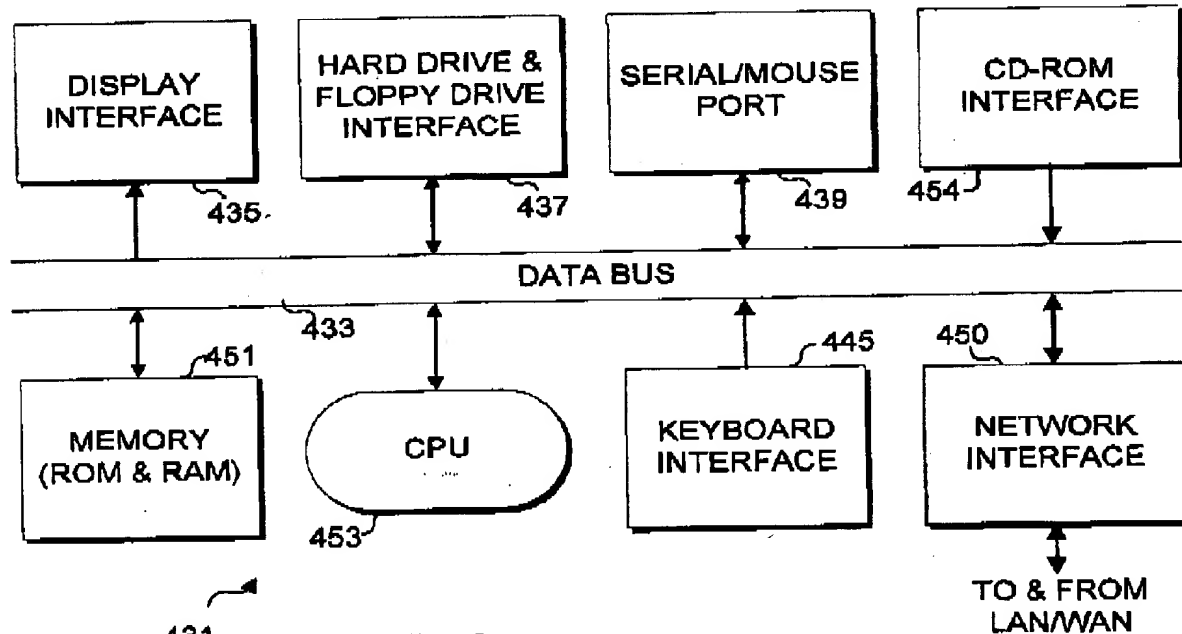


FIG. 6
PRIOR ART

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